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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

*, <i>et al.</i> ,	}	Case No. CV10-00000-AHM (___x)
Plaintiff(s),		CIVIL JURY TRIAL ORDER
v.		
*, <i>et al.</i> ,		
Defendant(s)		

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This matter is set for trial before the Honorable A. Howard Matz, Courtroom 14 (1st Floor, Spring Street level), United States Courthouse, 312 North Spring Street, Los Angeles, California. To facilitate the efficient conduct of the pretrial conference and trial in this matter, all parties shall review carefully the following order and instructions re civil trials, as well as the Court’s Scheduling and Case Management Order.

**I. Rule 16 Filings.**

The parties must comply fully with the requirements of Local Rule 16. At the times set at the Scheduling Conference, they shall file carefully prepared Memoranda of Contentions of Fact and Law (which may also serve as the trial brief), along with their respective Witness Lists and Exhibit Lists, all in accordance with Local Rules 16-4, 16-5 and 16-6.

1       The parties shall complete the Trial Witness Time Estimate Form attached to  
2 this Order and discussed at the Pre-Trial Conference, and deliver it to the Clerk on  
3 the first morning of trial. Be realistic in each of your estimates; do not pad your  
4 estimates or provide unreasonably short estimates. At the Pretrial Conference, the  
5 opposing party will be expected to disclose to the Court an estimate for his or her  
6 cross-examination of each witness identified by the other side.

7 **II. Jury Instructions, Verdict Form and/or Special Interrogatories.**

8       Specifications and requirements for form and content of jury instructions are  
9 set forth in the Scheduling and Case Management Order which the parties received  
10 at the Scheduling Conference.

11       Unless all counsel agree to have the Court instruct the jury after closing  
12 argument, the Court will instruct the jury before closing argument.

13       The Court will send copies of the jury instructions and verdict forms into the  
14 jury room for use by the jury during deliberations.

15 **III. Agreed Statement of the Case.**

16       The parties shall jointly prepare a statement of the case which the Court shall  
17 read to all prospective jurors at the beginning of voir dire. The statement usually  
18 should not be longer than two or three paragraphs. The parties shall file their joint  
19 statement with the Court at the PTC.

20 **IV. Trial Times.**

21       On the first day of trial, all counsel are to be present in the Courtroom and  
22 ready to begin at 8:00 a.m. At that time, the Court will meet with counsel to ensure  
23 that all matters necessary for resolution prior to trial are resolved. The Court  
24 generally conducts trials on Tuesday from 9:00 a.m. to 4:00 p.m. and on  
25 Wednesday through Friday from 8:00 a.m. to 1:30 p.m., with two 15 minute breaks  
26 during the course of the trial. This schedule is subject to change.

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1   **V.   Jury Selection.**

2           The Court conducts voir dire of all prospective jurors. As specified in the  
3   Scheduling and Case Management Order, the Court will consider each party's  
4   timely filed proposed voir dire questions.

5           In selecting a jury, the clerk will initially seat the entire group of prospective  
6   jurors in the benches toward the rear of the Courtroom. The Court will then read  
7   the agreed-to statement of the case and determine whether any prospective jurors  
8   should be excused for cause because, for example, they know a lawyer, party or  
9   prospective witness. The Court will also determine whether the length of the trial  
10   requires that prospective jurors be excused due to work constraints or other issues.  
11   From the remaining pool of jurors, the Court Clerk will select at random the names  
12   of 14 jurors who will be seated in the jury box . Each of these prospective jurors  
13   will then answer a pre-printed form containing general questions, including their  
14   name, occupation etc. The Court will then ask more specific voir dire questions  
15   that have been individually tailored for the case.

16          Following the questioning of each of the 14 prospective jurors, each party  
17   will be permitted three (3) peremptory challenges. Peremptory challenges should  
18   be addressed to prospective jurors seated at seats 1-8 only. If any such prospective  
19   juror is stricken, the remaining jurors who have been “voir dire’d” will not move  
20   into the vacant seats. To avoid the potential embarrassment of a disallowed  
21   peremptory challenge on the grounds set forth in *Batson v. Kentucky*, 476 U.S. 79,  
22   106 S.Ct. 1712, 90 L.Ed.2d 69 (1986), before openly exercising a peremptory,  
23   counsel should inform opposing counsel, and if opposing counsel believes a  
24   *Batson* objection is in order s/he should request a side bar. At side bar, the party  
25   with the *Batson* objection is expected to show reasonable grounds to support the  
26   claim of bias before the party exercising the peremptory will be called

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1 upon for an explanation. If there is no *Batson* objection, however, counsel may  
2 openly exercise a peremptory challenge.

3 Following the resolution of all challenges, eight (8) of the jurors placed in  
4 the box will be chosen as the jury panel. There will be no alternates.

5 In complex or lengthy cases, the Court will consider the use of jointly-  
6 proposed jury questionnaires. Because use of questionnaires requires the active,  
7 time-consuming participation of the Jury Department, counsel desiring to use such  
8 questionnaires shall contact the Court's Deputy Clerk, Stephen Montes (213-894-  
9 5283), at least sixty (60) calendar days in advance of the trial date to inform him  
10 that such a questionnaire will be proposed. He will then explain the necessary  
11 procedures.

## 12 **VI. Exhibits.**

13 **A. Format.** The parties shall prepare their exhibits for presentation at  
14 the trial by placing them in 3-ring binders in the following manner:

- 15 1. There shall be no separate exhibit books for plaintiff[s] and  
16 defendant[s]. Instead, there shall be a single set of exhibit  
17 books with the exhibits arranged in numerical order, regardless  
18 of who is the proponent. This set of books shall be provided to  
19 the Courtroom Deputy Clerk, but during presentation of  
20 evidence it shall be for the use of the lawyers and shall be kept  
21 at or near the lectern. Two additional, identical copies of these  
22 books shall be lodged: one for the Court and one for the  
23 witness.
- 24 2. Each binder shall be divided by tabs down the side with  
25 corresponding exhibit numbers.
- 26 3. In the original set of exhibits to be filed with the Court and  
27 maintained by the Courtroom Deputy during trial, each exhibit  
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1 shall be tagged with the appropriate exhibit tags in the lower or  
2 upper right hand corner of the first page of each exhibit.

3 4. The exhibits shall be numbered in accordance with Local Rule  
4 16-6.

5 5. The front pages of each notebook shall contain a list of each  
6 exhibit included. A label should be placed on the spine  
7 specifying which exhibit numbers are in that particular volume.

8 **B. Extra Copies of Exhibit and Witness Lists.** In addition to the  
9 exhibit binders, the parties shall bring with them to the first day of trial three (3)  
10 copies of their exhibit list and three (3) copies of their witness list in the order in  
11 which the witnesses may be called to testify.

12 **C. Presentation to Jury.** In jury cases where a significant number of  
13 exhibits are to be admitted, the Court encourages counsel, preferably by prior  
14 agreement, to consider ways in which testimony about exhibits may be clarified for  
15 the jury while it is being presented. Counsel may consider such devices as  
16 overhead or ELMO projectors, jury notebooks for admitted exhibits, or blow-ups  
17 of important exhibits. Counsel should take advantage of Federal Rule of Evidence  
18 1006 (“Summaries”) to present voluminous evidence. Only in rare circumstances  
19 will the Court permit counsel to pass exhibits up and down the jury box.

20 **D. Stipulation to Admissibility.** Not later than four (4) calendar days  
21 before trial, the parties shall meet to stipulate as far as possible to foundation,  
22 waiver of the best evidence rule and exhibits may be received into evidence at the  
23 start of trial. The parties shall note the exhibits to which admissibility has been  
24 stipulated on the exhibit list included in the front of the exhibit binder.

25 **VII. Courtroom Conduct.**

26 A. During trial, counsel shall not refer to their clients by their first name.

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- 1 B. Opening statements, examination of witnesses, and closing arguments  
2 shall be made from the lectern only. Counsel should feel free to turn  
3 the lectern if they wish to address the jury directly.
- 4 C. Counsel should keep in mind that the purpose of an opening statement  
5 is to inform the jurors of the nature of the case, the facts they expect to  
6 be proved in the trial and the issues in the case. An opening statement  
7 is *not* an argument to the jury, and it is *not* permissible to attempt to  
8 argue to the jury about the application of the law to the facts at this  
9 stage of the case.
- 10 D. Do not use objections for purposes of making a speech, recapitulating  
11 testimony, or attempting to guide the witness. When objecting, please  
12 rise and state only that you are objecting and the specific legal ground  
13 of the objection, e.g., hearsay, irrelevant, etc. Only rarely will the  
14 Court permit side-bar conferences about evidentiary issues during a  
15 jury trial. Most unusual or complex evidentiary issues can be foreseen  
16 and disposed of in advance; those that cannot ordinarily will be  
17 disposed of at the next recess, with the witness retained until the issue  
18 is resolved.
- 19 E. Counsel shall speak audibly and clearly - - and not too rapidly - -  
20 when questioning a witness or making an objection. Counsel should  
21 instruct their witnesses to speak audibly and clearly as well. The  
22 microphone at the lectern is powerful; you need not lean directly into  
23 it.
- 24 F. Obtain the Court's permission to approach a witness for the limited  
25 purpose of placing a document (shown first to opposing counsel)  
26 before the witness. If necessary to direct the witness's attention to  
27 something in the document, counsel may remain adjacent to the  
28 witness box for that limited purpose. Otherwise, counsel shall return

1 to the lectern when the purpose of the approach is finished.

2 G. Counsel shall not, by facial expression, nodding, or other conduct,  
3 exhibit any opinions, adverse or favorable, concerning any testimony  
4 which is being given by a witness. Counsel shall admonish their own  
5 clients and witnesses similarly to avoid such conduct.

6 H. When a party has more than one lawyer, only one may conduct the  
7 direct or cross-examination of a given witness.

8 I. If a witness was on the stand at a recess or adjournment, have the  
9 witness back on the stand and ready to proceed when court resumes.

10 J. Do not run out of witnesses. If you are out of witnesses and there is  
11 more than a brief delay, the Court may well deem that you have  
12 rested.

13 K. The Court attempts to cooperate with doctors and other witnesses with  
14 restricted schedules and will, except in extraordinary circumstances,  
15 accommodate them by permitting them to be called out of sequence.  
16 Anticipate any such possibility and discuss it with opposing counsel.  
17 If there is an objection, confer with the Court in advance.

18 L. Be on time, as the Court intends to start promptly.

19 M. Do not attempt to emphasize contents of exhibits or charts by  
20 highlighting or enlarging selective portions of them if doing so would  
21 be misleading, unless opposing counsel agree in advance to your  
22 proposed use or the Court has ruled on any objections in advance.

23 N. The maintenance of personal dignity requires care in the  
24 pronunciation of a witness's name. If necessary, counsel should  
25 inquire privately, in advance of the first reference to the name in  
26 court, how a person pronounces his or her name and how he or she  
27 prefers to be called (e.g., whether Marcos Lopez Garcia prefers to be  
28 referred to as Mr. Garcia or Mr. Lopez Garcia).

1 O. During recesses, counsel shall not congregate near the door that jurors  
2 use to gain access to the jury room.

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4 **VIII. MISCELLANEOUS.**

5 Counsel shall notify the Courtroom Deputy in advance if any witness or  
6 member of the litigation team requires an accommodation for a disability.

7 The Court thanks counsel in advance for their anticipated compliance with  
8 this Order.

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10 IT IS SO ORDERED.

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12 DATED: \_\_\_\_\_, 2010

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A. HOWARD MATZ  
United States District Judge

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16 \* Copies of this and all other standard orders of this Court are available on the Central  
17 District of California website, at “www.cacd.uscourts.gov,” under “Judge’s  
18 Requirements.”  
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**JUDGE A. HOWARD MATZ**

**JOINT TRIAL WITNESS TIME ESTIMATE FORM**

CASE: \_\_\_\_\_

TRIAL DATE: \_\_\_\_\_

	WITNESS NAME	PARTY CALLING WITNESS AND ESTIMATE	X-EXAMINER'S ESTIMATE	DESCRIPTION OF TESTIMONY	COMMENTS
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4					
5					
6					
7					
8					
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10					
	TOTAL ESTIMATES THIS PAGE:				

**Instructions:**

(1) List witnesses (last name first); (2) For description, be extremely brief, e.g., “eyewitness to accident.” Or “expert on standard of care.” (3) Use estimates within fractions of an hour, rounded off to closest quarter of an hour. E.g., if you estimate 20 minutes, make it .25. An estimate of one and one-half hours would be 1.5. An estimate of three-quarters of an hour would be .75; (4) Note special factors in “Comments” column. E.g., “Needs interpreter.” (5) Entries may be in handwriting if very neat and legible.